

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of

Service Rules for Advanced Wireless  
Services in the 2155-2175 MHz Band

)  
)  
)  
)

WT Docket No. 07-195

To the Commission:

**COMMENTS OF THE  
ELECTRONIC RETAILING ASSOCIATION**

Barbara Tulipane  
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December 14, 2007

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## **Executive Summary**

America's future economic stability depends on ubiquitous broadband connectivity at rates that avoid the creation of economic barriers to wide-spread adoption. Individuals and small businesses that lack broadband are truly being left behind. But that need not be the case. The time is now for the FCC to take deliberate and considered action to ensure 100 percent digital inclusion in America.

The Electronic Retailing Association believes that the establishment of a free broadband network will dramatically and positively repair the broadband market failure which is particularly pronounced among small business entrepreneurs. These are the facts:

- Small businesses account for 99.7 percent of American employers;
- Those more than 26 million firms employ about half of the nation's private sector workforce; and
- Small businesses have accounted for 80 percent of the net new jobs created over the past decade.

And yet, more than 16.5 million small businesses lack broadband access, thereby hampering their ability to compete in a digital, global economy without the entrepreneurial tools of the 21<sup>st</sup> century. If given the opportunity to affordably connect to broadband, ERA believes that that statistic will radically change. Unfortunately, there is insufficient broadband competition to establish truly affordable broadband for small businesses.

There is no doubt that broadband access brings significant opportunities. Recent data from the Direct Marketing Association reports that 40 percent of direct to consumer commerce is now generated online. The Boston Consulting Group has published data showing that, since 2000, e-commerce revenue has grown by over \$200 billion and is estimated to exceed \$250 billion in 2007. The e-commerce is an increasingly important aspect of our economy and too many American firms are currently being left behind.

The aggregate impact of this state of affairs has resulted in the United States' global broadband ranking plummeting according to the Organization for Economic Cooperation and Development. Regardless of how the OECD data are measured, the United States deserves to be a leader in broadband, not a follower.

ERA recognizes that Municipal Wi-Fi projects have been initiated in an attempt to address this market failure in broadband in which carriers are consistently failing to meet the needs of consumers. Most of those well intentioned public-private Municipal Wi-Fi projects, from Chicago to Silicon Valley, have failed. One key reason for these consistent failures is the strain of building advanced, expensive wireless systems without huge injections of public funds or the economies of scale that arise from building a national network.

Fortunately, the Commission has an opportunity before it to make a difference that will help bring American businesses back into competitiveness. The FCC is currently considering service rules for 20 MHz of fallow, unpaired spectrum that is ideal for a *nationwide free wireless broadband network*. By promulgating rules that support that end, the Commission can close the digital divide and ensure that all American entrepreneurs and citizens have access to the communications tools they will need to compete in the 21st century economy.

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To the Commission:

**COMMENTS OF THE  
ELECTRONIC RETAILING ASSOCIATION**

The Electronic Retailing Association (“ERA”)<sup>1</sup> respectfully submits these comments in response to the Federal Communications Commission’s Notice of Proposed Rulemaking (“NPRM”) in the above referenced docket. ERA urges the Commission to establish rules for the 2155 to 2175 MHz spectrum band that will speed the deployment and adoption of affordable and universally available wireless broadband services. To do so, the Commission should follow the precedent of the 700 MHz service rules proceeding and proactively establish rules that are designed to respond to problematic marketplace dynamics and market failure. Specifically, ERA recommends that the Commission establish service rules for the 2155-2175 MHz band that will facilitate the establishment of a free nationwide wireless broadband network. ERA believes that a nationwide wireless broadband network will raise all sails. Consumers will reap the benefits of increased competition and have ready access to broadband. Businesses, particularly small businesses, will have increased opportunities to take full advantage of the

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<sup>1</sup> The Electronic Retailing Association is the trade association for companies who use the power of direct response to sell goods and services to the public on television, online, and on radio. ERA serves as the cohesive voice for multi-channel marketers, while promoting government affairs initiatives and regulations designed to protect our members' bottom line.

digital age. While we believe that such developments will assist the efforts of our member organizations, we also believe that such rules will markedly forward the public interest.

Small businesses are desperate for additional broadband options. And this proceeding provides an extraordinary opportunity for the Commission to help resolve the market failure that has resulted in limited broadband affordability and decreased economic competitiveness in the United States. Now is the time for the Commission to honestly assess the data before it and take concrete action to bring the dream of nationwide affordable broadband into reality by giving everyone in our great nation free broadband access to the Internet.

### **The Backbone of the American Economy is Alarmingly Disconnected**

The Small Business Administration reports that 99.7 percent of all American employers are small businesses. As of 2006, there were more than 26 million small businesses operating in the United States employing about half of all private sector workers.<sup>2</sup> Most significantly, small firms are responsible for as much as 80 percent of the net new jobs created annually over the past ten years.<sup>3</sup> Clearly, small scale businesses fuel this country's economy. In order to maintain this impressive growth, small businesses need the assistance of the FCC to ensure parity of broadband access with their larger counterparts. As ERA pointed out to the FCC in our December 18, 2006 letter:

...the Internet is a tremendously powerful tool for retainers. In the coming years the ability of entrepreneurs to harness the power of the internet will be integral to their success. This means that connections are supremely important, both on the consumer and retailer sides of transactions...Amongst the surfeit of tools that the Internet makes available to online entrepreneurs, the ability to market directly to the end consumer in an affordable and direct way, through e-mail, websites, and advertising, is one of the most powerful. Unfortunately, research suggests that only a slim majority of small and independent businesses are taking advantage of these tools.<sup>4</sup>

It is widely believed that two factors are discouraging small businesses from adopting broadband services on a wider scale: cost and availability. And the Commission has a mountain of evidence in front of it

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<sup>2</sup> See <http://appl.sba.gov/faqs/faqIndexAll.cfm?areaid=24>

<sup>3</sup> Id.

<sup>4</sup> See Exhibit I, Comments of the Electronic Retailing Association.

demonstrating the growing concerns that broadband in the United States is not sufficiently affordable or accessible.

In WT Dockets 07-16 and 07-30, several entrepreneurs explained the struggles small businesses face as they endeavor to enter the digital age. Don Beam of Beam Pharmacies, Inc., of Cherryville, NC wrote: “Everyday, businesses are succeeding and growing through e-commerce. However, some small businesses, in many areas of the country, are unable to take full advantage of the opportunities the internet offers because they lack the resources or option for broadband.”<sup>5</sup> David Lloyd, of David Lloyd Photography of Santa Maria, CA, stated in the record: “Cost and lack of service in many areas creates a digital divide for many small businesses.”<sup>6</sup> Steven Garfinkle, President of America Zabin International of Los Angeles, CA, called the Commission to action in writing that “The United States is a global leader in so many things but, sadly, broadband access is not one of them. We lag behind many countries in Asia and Europe and I strongly believe the FCC needs to do more to enable all American businesses and consumers to reap the benefits of high speed Internet access.”<sup>7</sup> The Commission simply should not be comfortable with relinquishing its leadership position in broadband.

In addition to the compelling, and perhaps disturbing, qualitative evidence discussed above, there is also a surfeit of quantitative data demonstrating that the Commission should take decisive action to promote broadband affordability and adoption. The National Federation of Independent Business recently reported that only 57 percent of America’s more than 26 million small firms use the Internet for business related activities.<sup>8</sup> More astonishingly, 65 percent do not have company websites.<sup>9</sup> These statistics evidence the troubling fact that small businesses and entrepreneurs are stranded on the wrong side of the digital divide. According to the Small Business Administration, more than 16.5 million small businesses are attempting to operate in a global digital economy without the benefit of broadband

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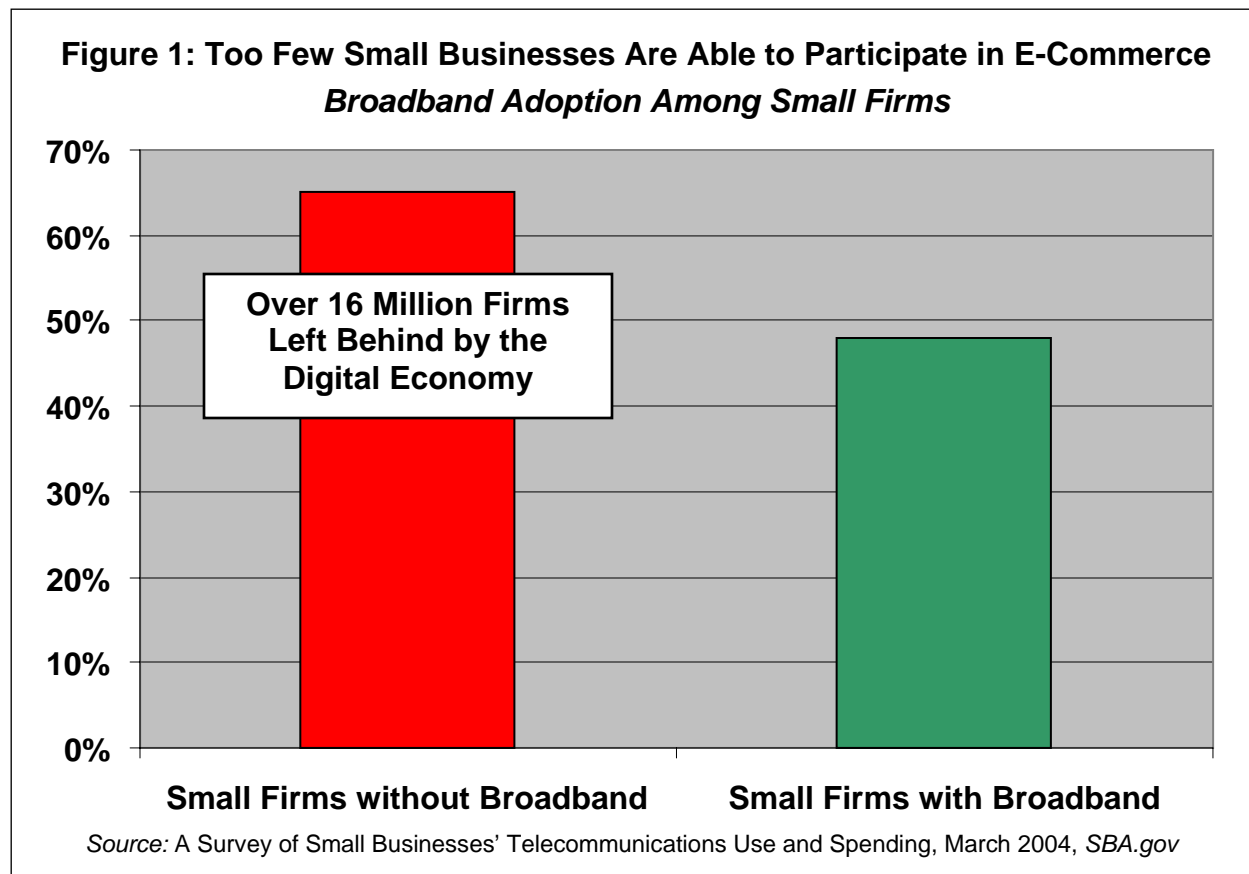
<sup>5</sup> See Exhibit 2, Comments of Don Beam of Beam Pharmacies, Inc.

<sup>6</sup> See Exhibit 3, Comments of David Lloyd, of David Lloyd Photography.

<sup>7</sup> See Exhibit 4, Comments of Steven Garfinkle, President of America Zabin International

<sup>8</sup> See <http://www.nfib.com/page/technology.html>

<sup>9</sup> Id.



In light of the well rehearsed benefits of broadband access, these statistics demonstrate that the current broadband duopoly is not adequately addressing the needs of small business. If anything, the troubling state of affairs for small business broadband adoption provides direct evidence that the FCC should take immediate action to help small businesses get connected. Promulgating service rules that require the 2155 to 2175 MHz band licensee to provision an affordable and universally available broadband internet service the Commission can create laudable public policy that will directly serve the citizens of the United States. And by accelerating the timetable upon which the spectrum band may be auctioned, the FCC will ensure that bureaucratic delays do not get in the way of needed services being delivered to the public. Moreover, the Commission should not allow carriers to tell it that that they will “build it

<sup>10</sup> See: <http://appl.sba.gov/faqs/faqIndexAll.cfm?areaid=24>

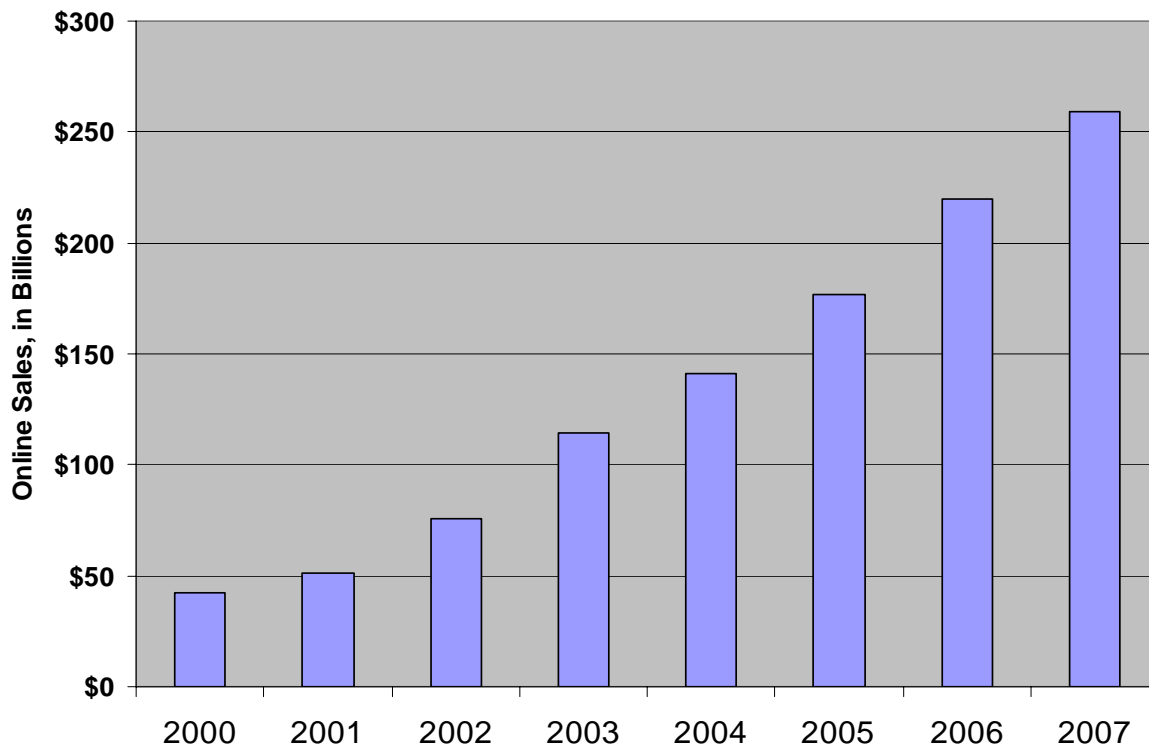


and consumers will come.” The reality is that these same carriers often ignore the many spectrum bands in which nothing was ever built and consumers, therefore, have been disserved. Thus, ERA is a staunch supporter of meaningful build out requirements that have enough teeth to inspire new services, not spectrum inventories.

### **E-Commerce – the future of small business entrepreneurship**

Increasingly, our member companies are moving to online retailing. Notably, the Direct Marketing Association reports that 40 percent of direct to consumer commerce is generated online. That totals \$160 billion dollars in sales in 2006 alone.<sup>11</sup> Total e-commerce revenue, according to an estimate from The Boston Consulting Group, will reach an all time high of over \$250 billion dollars this year. This means that e-commerce has grown by more than \$200 billion since 2000:

**Figure 2: E-Commerce Revenue**



Source: The State of Retailing Online, The Boston Consulting Group

Note: 2007 figure is an estimate

<sup>11</sup> See [http://www.retailing.org/new\\_site/memresources/research/facts\\_figures.htm](http://www.retailing.org/new_site/memresources/research/facts_figures.htm)

Our members are excited about the opportunities of online direct to consumer sales. That is why we call on the FCC to work diligently with the telecommunications industry to ensure that both the number of small businesses that have access to online commerce and the number of Americans with broadband connections continue to grow. This is the best possible way to keep this incredibly vibrant segment of our national economy growing.

The impact of broadband on a small business can be astonishing. Small wineries across the nation, for instance, have discovered that marketing and direct sales over the Internet can unlock vast new business opportunities. In May, 2005, the United States Supreme Court struck down a ban on interstate sales of wine paving the way for a boon in online sales. More than 4,000 small, family owned and operated wineries make only 13 percent of the wine produced in the United States. Because it is virtually impossible for a retailer to stock all 10,000 new wines produced each year in the United States, independent wineries that are unaffiliated with large beverage distributors are frequently shut out of the retail market. By selling wine directly over the Internet, vintners can reach a larger pool of potential customers, lower distribution and consumer costs,<sup>12</sup> increase consumer options.<sup>13</sup> By connecting everyone to e-commerce through a broadband connection, both consumers and wineries win.

There are many more examples of this phenomenon already in the public record regarding this spectrum. Geoff Heeter, President of the New River Convention and Visitor Bureau, wrote to the FCC on March 22, 2007: "As a [Convention and Visitors Bureau] office here in southern West Virginia – it is our responsibility to encourage and promote the development of small tourism businesses. The Internet plays a tremendous roll in giving these businesses access to world markets."<sup>14</sup> Martin Moe, Executive Director of the Cordova Chamber of Commerce, of Cordova, AK, wrote to the FCC on March 13, 2007 to address this issue specifically. Mr. Moe explained; "Our organization is committed to

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<sup>12</sup> Consumers shopping online save between 8 and 21 percent on wine costing more than \$20 per bottle. See <http://www.ftc.gov/opa/2003/07/wine.shtml>

<sup>13</sup> An FTC report on wine retailers found that 15 percent of popular wines were not available within 10-miles of a test city. See <http://www.ftc.gov/opa/2003/07/wine.shtml>

<sup>14</sup> See Exhibit 5, Comments of Geoff Heeter, President of the New River Convention and Visitor Bureau.

the encouragement of small business development which provides an integral component of our economic base. The Internet plays a pivotal role in providing these small businesses with access to the world markets from our small rural community.”<sup>15</sup> Public record submissions like these should be given the full and complete consideration of the FCC as it contemplates the service rules for the 2155 to 2175 MHz spectrum band. They offer the Commission the insight into the issues facing small businesses and communities across this nation as we stand collectively at the precipice of the 21<sup>st</sup> century economy.

### **Small businesses must go digital to compete**

E-commerce revenues have increased more than five fold since 2000 and now represents a thriving and essential portion of our economy. Thus, the FCC is in a wonderful position to positively impact the growth of this important market sector. By putting the 2155 to 2175 MHz band to work to expand broadband adoptions for Americans generally, and the small businesses community specifically, the Commission will both increase the customer base that is able to shop online and increase competition in the industry by welcoming thousands of small firms into the e-commerce universe. The time to act is now, however, to level the playing field. This holiday season, many of the largest retailers will offer tremendous online shopping incentives to its online customers. The most frequently used tactic will be the waiving of shipping fees for many online orders. Small businesses should no longer be left out in the cold. This was the message of Tina Widener, President of Widener Writing & Consulting of Frederick, MD, who wrote “Consumers demand more from the Internet and from the businesses they use for products and services. Without broadband internet access, a small business falls behind in meeting those demands. I believe that making broadband access more widely available is to the benefit of the economy as a whole.”<sup>16</sup> Similarly, James R. Jones, President of Jones Shipley Xpress of

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<sup>15</sup> See Exhibit 6, Comments of Martin Moe, Executive Director of the Cordova Chamber of Commerce

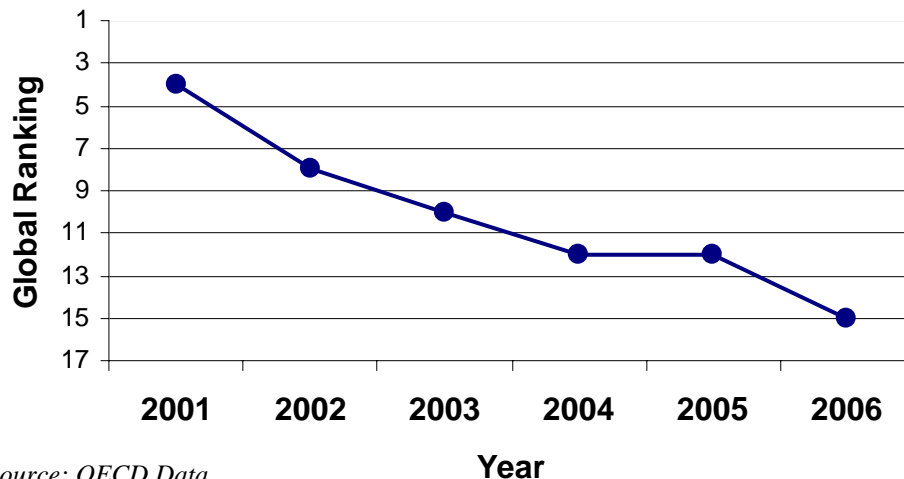
<sup>16</sup> See Exhibit 7, Comments of Tina Widener, President of Widener Writing & Consulting.

Hagerstown, MD, articulated the potential benefits that could be enjoyed once a free broadband service enabled small businesses to go online. In his April 11, 2007 letter to the Commission, Mr. Jones wrote that “Once online, small businesses will see increased marketing and consumer exposure which will expand the sales of that business and increased sales will positively affect the business, its employees, its community and the American economy.”<sup>17</sup>

### **Large or small – American businesses need to compete with the world**

Much has been written in recent years about America’s faltering position in the world when it comes to global economic competitiveness.<sup>18</sup> In the broadband industry, our nation’s ranking has steadily fallen as compared to other nations in the world:

**Figure 3: America’s Plummeting Global Broadband Ranking**



As this chart demonstrates, there has been a steady and startling drop off in our nation’s global broadband ranking over the past several years. These disappointing trends cannot be written off based on measurement methodology because the true ramifications of such findings are wide ranging and very worrisome. Representative Anna Eshoo of California wrote to the Commission to express her concern about these international rankings and the abysmal state of broadband adoption in America:

<sup>17</sup> See Exhibit 8, Comments of James R. Jones, President of Jones Shipley Xpress

<sup>18</sup> See Thomas Friedman, “Bush Disarms, Unilaterally,” New York Times, April 15, 2005 and Thomas Bleha, “Down to the Wire, Foreign Affairs, May/June 2005

One of the most important issues facing our country is the need for *all* Americans to have access to high-speed, affordable Internet broadband service. The United States has fallen behind most of the leading economic powers in providing universal broadband service to our citizens and according to the Organization for Economic Cooperation and Development, the U.S. is now only 12<sup>th</sup> in the world in broadband penetration.<sup>19</sup>

Congresswoman Eshoo speaks to an issue of national necessity. Ensuring that all Americans and American businesses are connected to broadband is not only a laudable goal because it will bolster the ability of small business to compete more efficiently in larger markets.

Here at home, many entrepreneurs and local policy makers have endeavored to find a solution to the broadband market failure. One such solution that has received a tremendous amount of press attention is municipal Wi-Fi projects across the country. The fact the consumers and local governments believe that broadband should be deployed by tapping scarce local resources illustrates that the broadband market lacks sufficient competition. Indeed, the fact that broadband incumbents opposed municipal Wi-Fi rather than addressing consumers' demonstrated needs further makes this point. In the end, these efforts were not successful. The Wall Street Journal, the Associated Press and other many others have reported on the failure of muni-wi-fi initiatives. Almost without exception, the reason for the failures is economic.<sup>20</sup> With limited ranged and considerable build-out expenses it has now become apparent that profitably operating a local Wi-Fi network requires extensive public funding. Tim Wu, a Professor at Columbia Law School recently wrote: "Some observers blame these failures on Wi-Fi's technical limits. Wi-Fi does have serious limitations, but wireless Internet technology has worked well even on large college campuses. The deeper problem is economics."<sup>21</sup>

The goal here is right, though. All Americans deserve affordable access to broadband. Not only because it will bolster our global economic competitiveness by first building a technologically savvy workforce, but because it should be the right of all Americans to take full advantage of the great benefits that the digital economy holds in store. Clearly, what is needed

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<sup>19</sup> See Exhibit 9, Comments of Representative Anna G. Eshoo of California

<sup>20</sup> See <http://online.wsj.com/article/SB115076356388684691.html>

<sup>21</sup> See <http://www.slate.com/id/2174858/fr/rss/>

here is for the FCC finally take responsibility for the digital divide and work diligently and creatively to close it. The 2155 to 2175 MHz spectrum band is perfect opportunity to address these issues. By promulgating rules for this band that require the eventual licensee to provision a free broadband services on a nationwide basis, the FCC will resolve a pressing market failure, bridge the digital divide, bolster our nation's ability to compete globally, and aid business, municipalities, and average Americans enjoy broadband for affordably and reliably.

### **Conclusion**

In February, Commissioner Michael Copps told the Senate Small Business and Entrepreneur Subcommittee that "Broadband is this era's bricks and mortar. One recent study concludes that every percentage point increase in broadband penetration...would mean 300,000 more jobs and increased national output."<sup>22</sup> We agree with Commissioner Copps about the importance of broadband and strongly urge the FCC to seize the opportunity presented in this NPRM to help connect small businesses across the United States. Ubiquitous, affordable broadband access represents both a prospective boon for our economy and an opportunity to regain American economic leadership.

Respectively submitted,

A handwritten signature in dark ink, appearing to read "Barbara Tulipane", written over a horizontal line.

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Electronic Retailing Association  
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Suite 300  
Arlington VA 22201  
(703) 841-1751

December 14, 2007

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<sup>22</sup> See Comm. Michael Copps, Testimony before the Senate Small Business and Entrepreneurship Subcommittee, February 1, 2007

**Exhibits to ERA's Comments in WT Docket 07-195:**

*Exhibit 1:*

Comments of the Electronic Retailing Association

*Exhibit 2:*

Comments of Don Beam of Beam Pharmacies, Inc.

*Exhibit 3:*

Comments of David Lloyd, of David Lloyd Photography

*Exhibit 4:*

Comments of Steven Garfinkle, President of America Zabin International

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*Exhibit 7:*

Comments of Tina Widener, President of Widener Writing & Consulting

*Exhibit 8:*

Comments of James R. Jones, President of Jones Shipley Xpress

*Exhibit 9:*

Comments of Representative Anna G. Eshoo of California

**Exhibit I**

Comments of the Electronic Retailing Association





December 18th, 2006

The Honorable Kevin J. Martin  
Chairman  
Federal Communications Commission  
445 12th Street SW  
Room 8 - B201  
Washington, D.C. 20554

RE: Letter of Support for the M2Z Networks Application from the Electronic Retailing Association

2000 North 14th Street, Suite 300

Arlington, VA 22201

Phone: 703.841.1751

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[www.retailing.org](http://www.retailing.org)

The Electronic Retailing Association (ERA) is the trade association for companies who use the power of direct response to sell goods and services to the public on television, online, and on radio. Amongst ERA's primary objectives is to serve as a cohesive voice in Washington and in state capitols across the country to speak out on a variety of issues that ERA believes will impact the success of our members. Universal access to reliable, affordable broadband connectivity is one such issue. Access to the internet is a crucial both to our members and to the consumers they seek to reach.

Our economy is becoming more and more dependent on electronic commerce. In the second quarter of 2006 alone \$26.3 billion dollars worth of retail transactions were completed online according to the U.S. Census Bureau. Thus, the Internet is a tremendously powerful tool for retailers. In the coming years the ability of entrepreneurs to harness the power of the internet will be integral to their success. This means that connections are supremely important, both on the consumer and retailer sides of transactions. M2Z Network, Inc. has presented a highly feasible plan for a reliable, affordable nationwide wireless broadband data network that will get many more consumers and entrepreneurs connected to the Internet.

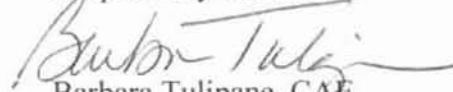
ERA's own internal research further elucidates the importance to our industry of getting more people connected to the Internet. In 2005 the electronic retailing industry reached \$323 billion dollars in sales. Of that total \$70 billion, or 22% of the total figure, came from online retailing activities. In 2003, Internet sales accounted for \$42 billion, or only 16% of the \$256 billion total for the direct response industry. With a 6% growth in only two short years, electronic retailers are watching the Internet segment of our business very closely. In order for online sales to continue growing, though, the pool of potential customers must also continue to grow. M2Z Networks will provide a new pathway for entrepreneurs and consumers alike to get online and begin taking advantage of opportunities in e-commerce.

Simply getting people connected is not the only way that M2Z can assist ERA's members, however. Amongst the surfeit of tools that the Internet makes available to online entrepreneurs, the ability to market directly to the end consumer in an affordable and direct way, through e-mail, websites and advertising, is one of the most powerful. Unfortunately, research suggests that only a slim majority of small and independent business are taking advantage of these tools. The National Federation of Independent Businesses reports that only 57% of small business owners use the internet for business related activities. Only 35% have company websites. This further exemplifies the need for affordable, reliable solutions to the significant, and often times insurmountable, cost of broadband connectivity for business in today's marketplace. These realities impact many of our Supplier Members. This class of members is distinct within ERA as their business is not based on direct retailing to the end consumer but to other retailers. Thus, if more small and independent businesses had access to the internet they would be able to take advantage of the wide array of products that our Supplier Members are making available online everyday.

Finally, ERA has taken a strong stand on the issue of Network Neutrality. We at ERA believe very strongly that traffic on the Internet should not be biased, ranked or favored by any network provider in order to bolster their own revenues. ERA and our Online Retail Alliance has been a leader in the fight to ensure equality of access to the Internet for all people, entrepreneurs and consumers alike. In that fight it has become increasingly obvious that competition at the network level is extremely important. Network providers will not be able to degrade or deny service to any Internet user if they know that it will cost them subscribers to a rival network that does not take part in neutrality violating activities. This is another important reason why ERA supports the M2Z Networks spectrum application; to spur competition at the network level.

With these considerations in mind, ERA urges the Federal Communications Commission to begin the formal process towards the approval of the M2Z Networks' license application.

Respectfully Submitted,



Barbara Tulipane, CAE  
ERA President and CEO

cc: Commissioner Michael J. Copps  
Federal Communications Commission

Jonathan S. Adelstein  
Federal Communications Commission

Commissioner Deborah Taylor Tate  
Federal Communications Commission

Commissioner Robert M. McDowell  
Federal Communications Commission

Exhibit 2

Comments of Don Beam of Beam Pharmacies, Inc.

# Don Beam

Beam Pharmacies, Inc.  
112 Wyndham Cove  
Cherryville, NC 28021

March 6, 2007

Secretary Marlene Dortch  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> St. SW  
Washington, DC 20554

Re: Docket # 07-16

Dear Secretary Dortch,

Everyday, businesses are succeeding and growing through e-commerce. However, some small businesses, in many areas of the country, are unable to take full advantage of the opportunities the internet offers because they lack the resources or option for broadband. This could change if Docket # 07-16 is approved by the FCC, allowing M2Z to offer free, fast broadband to all American small businesses.

If given approval, any business with a modem would be able to connect to broadband, and open internet marketing space, sales, or increase their connection to other businesses. The economy depends on successful small businesses, and many could improve by becoming participants in the on-line market. Currently, just 35% of small businesses have websites.

Please approve the M2Z plan and allow broadband access to become a reality for so many. Doing this allows the communities and families directly impacted by those businesses to succeed as well. Thank you for your time.

Sincerely,



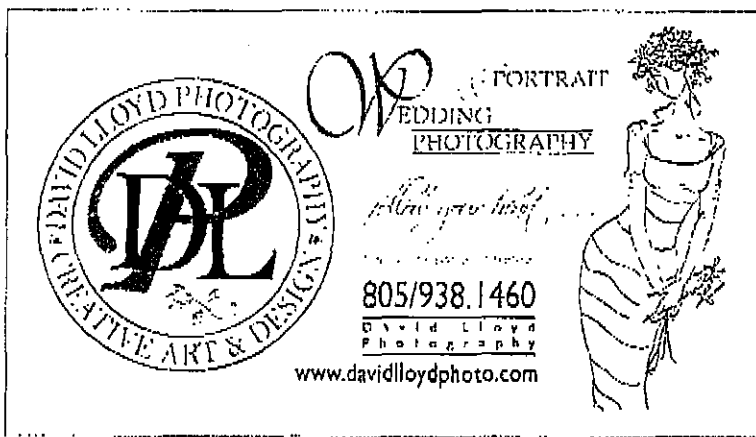
Don Beam  
Owner, Beam Pharmacies, Inc.

CC: FF Chairman Kevin Martin  
Commissioner Copps  
Commissioner Adelstein  
Commissioner Tate  
Commissioner McDowell  
Wireless Bureau Chief Fred Campbell  
U.S. Senator Richard Burr  
U.S. Senator Elizabeth Dole  
U.S. Representative Patrick McHenry

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Exhibit 3

Comments of David Lloyd, of David Lloyd Photography



David Lloyd Photography  
2523 Brunswick Drive  
Santa Maria, CA 93455

"Where Photography and Art Coalesce"

Featuring  
™ DVD "Live Album"

[www.davidlloydphoto.com](http://www.davidlloydphoto.com)

April 9, 2007

Secretary Marlene Dortch  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> St. SW  
Washington, DC 20554

Re: Docket #07-16 to provide fast, free, family-friendly wireless broadband internet access

Dear Secretary Dortch,

The Internet is a valuable resource for small businesses everywhere. There are tools available to help business owners run their business more efficiently, as well as market online and make sales. In just the same way, consumers rely on the internet to make their purchasing decisions. Both businesses and consumers are helped by having access to the Internet.

For the sake of many businesses that are unable to receive broadband, due to cost or rural location, I support the proposal by M2Z Networks to provide free, fast wireless broadband internet access to all Americans. I support the plan to get more businesses and consumers online allowing them to have websites and make purchases as efficiently and effectively as possible. Cost and lack of service in many areas creates a digital divide for many small businesses in this country.

I hope you will approve the proposal by M2Z Networks and make free, fast wireless broadband internet service a reality for millions. The success of small businesses affects each of us, with small businesses like mine making up 99 percent of all businesses. Thank you for considering what this proposal can do for our businesses and please support the proposal to provide fast, free, wireless broadband internet access to all Americans.

Thank you.

Sincerely,

David Lloyd

CC: FCC Chairman Kevin Martin  
Commissioner Copps  
Commissioner Adelstein  
Commissioner Tate  
Commissioner McDowell  
Wireless Bureau Chief Fred Campbell  
U.S. Senator Barbara Boxer  
U.S. Senator Dianne Feinstein  
Congressman Lois Capps

Exhibit 4

Comments of Steven Garfinkle, President of America Zabin International





Steven Garfinkel  
President

AMERICAN ZABIN INTERNATIONAL

3933 South Hill Street  
Los Angeles, CA 90037

● 213.746.3770  
● 213.746.0522

March 29, 2007

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street SW  
Washington, DC 20554

RE: Docket No. 07-16 (Free Broadband)

Dear Mrs. Secretary:

I am writing to express my support for providing a free, wireless broadband service to all Americans. In my opinion, no single innovation in the past century has changed the face of business like the Internet. Businesses like mine that operate in a global marketplace have come to rely on the Internet for day-to-day operation, online marketing, product delivery and communication.

The United States is a global leader in so many things but, sadly, broadband access is not one of them. We lag behind many countries in Asia and Europe and I strongly believe the FCC needs to do more to enable all American businesses and consumers to reap the benefits of high speed Internet access.

I understand there's a proposal currently before you that would allow M2Z Networks to provide free, wireless broadband to 95% of America. I'm all for this idea and urge the FCC Commissioners to approve it, as free wireless broadband will enhance our global competitiveness and improve our quality of life.

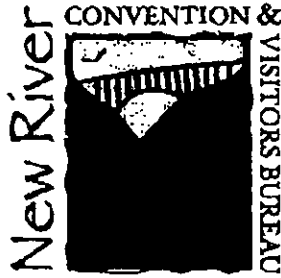
Sincerely,

Steven Garfinkel  
President

CC: FCC Chairman, Kevin Martin  
FCC Commissioners: Copps, Adelstein, Tate, McDowell  
Fred Campbell, Chief, Wireless Bureau  
Senator Dianne Feinstein  
Senator Barbara Boxer

Exhibit 5

Comments of Geoff Heeter, President of the New River Convention and Visitor Bureau



310 OYLER AVENUE • OAK HILL, WEST VIRGINIA 25901

PHONE: (304) 465-5617 • FAX: (304) 465-5618

[www.newrivercvb.com](http://www.newrivercvb.com)

March 22, 2007

Chairman Kevin Martin  
Federal Communication Commission  
445 12<sup>th</sup> SW Room 8 – B201  
Washington, DC 20554

Mr. Chairman:

I am writing you today as a representative for our New River Convention & Visitors Bureau. The Internet plays an integral role in everyone's life, at home, school, church and especially the work place but not everyone in our state or the nation for that matter has access to broadband. Because of this I ask that you grant favorable consideration to a proposal submitted by M2Z which would allow them to establish a nationwide free broadband Internet system.

As a CVB office here in southern West Virginia—it is our responsibility to encourage and promote the development of small tourism businesses. The Internet plays a tremendous roll in giving these businesses access to world markets. The idea of free access to broadband Internet could be instrumental to the success of many of these small businesses.

Our education system here would also benefit greatly from free broadband. The broadband connections allow schools to use the Internet as an everyday research tool in the classroom and enhance the effectiveness of existing distance learning programs by enabling videoconferencing on the desktop. Better educated young people grow into better educated business owners for our state's future.

Again I would like to ask that you give favorable consideration to M2Z's proposal on behalf of the New River Convention & Visitors Bureau.

In Fayette County,

  
Geoff Heeter, President

CC: FCC Secretary Marlene Dortch  
Commissioner Copps  
Commissioner Adelstein  
Commissioner Tate  
Commissioner McDowell  
FCC Wireless Bureau Chief, Fred Campbell  
U.S. Senator Harry Reid  
U.S. Senator John Ensign

Exhibit 6

Comments of Martin Moe, Executive Director of the Cordova Chamber of Commerce

## Cordova Chamber of Commerce

P.O. Box 99 • First Street  
Cordova, Alaska 99574  
(907) 424-7260 • Fax (907) 424-7259  
www.cordovachamber.com



March 13, 2007

Chairman Kevin Martin  
Federal Communications Commission  
445 12<sup>th</sup> SW  
Washington, DC 20554

Re: Free Broadband Internet Access

Chairman Martin:

The FCC has a unique opportunity to provide a significant step up in internet provider services. M2Z Networks has submitted an application to the FCC for the establishment of nationwide free broadband internet which, if approved, will revolutionize the availability and usability of the internet in Alaska and throughout this country. I urge the commission to give prompt and favorable consideration to this proposal.

Alaska would benefit in many ways from having access to free broadband internet services. Many of our communities are widely dispersed and not connected by the road system. Still others have only seasonal access and are isolated for long periods at a time. Our organization is committed to the encouragement of small business development which provides an integral component of our economic base. The internet plays a pivotal role in providing these small businesses with access to world markets from our small rural community. Free access to broadband internet could be instrumental to the future success of these small businesses.

Our school system in Cordova and those throughout Alaska would reap immense benefits with access to free internet services. Many of our schools in the state use the internet to bridge the urban/rural gap and share educational experiences. The availability of free internet would go a long way in equalizing educational opportunities for our children.

Given our geographically dispersed environment, the internet has proven to be an essential means of communication for business, community leaders, emergency service providers, and our citizenry as a whole. Universal free connectivity to broadband internet is important to our future economic growth and personal prosperity.

The Cordova Chamber of Commerce strongly advocates your speedy and affirmative consideration of M2Z's proposal which is before you. No one person in our entire nation should be without broadband internet services because of cost.

Sincerely,



Martin Moe,  
Executive Director

CC: Commissioners: Copps, Adelstein, Tate, McDowell  
FCC Secretary, Marlene Dortch  
Wireless Bureau Chief, Fred Campbell  
Senators: Stevens, Murkowski

Exhibit 7

Comments of Tina Widener, President of Widener Writing & Consulting

# Widener Writing & Consulting

Tina Widener, President



2 Frederick Avenue  
Frederick, Maryland 21701

April 9, 2007

Secretary Marlene Dortch  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> St. SW  
Washington, DC 20554

Re: Docket #07-16 to provide fast, free, family-friendly wireless broadband internet access

Dear Secretary Dortch,

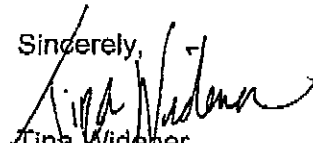
Consumers demand more from the internet and from the businesses they use for products and services. Without broadband internet access, a small business falls behind in meeting those demands. I believe that making broadband access more widely available is to the benefit of the economy as a whole.

In order to successfully run Widener Writing & Consulting, I need to be able to quickly get information to and from my clients. It is vital that I have fast and reliable internet access. It is difficult, however, to juggle the high cost of internet access with all of my other expenses. It is even harder for those small businesses starting out or in rural locations where internet access isn't even available.

Only 35 percent of small and independent businesses have websites, which means many businesses are not using the resources the internet offers for marketing, e-commerce and communication. Businesses that now have to choose whether or not they should expend resources for broadband internet may have a better option available. If the M2Z Networks proposal is passed, then all Americans will be able to access the Internet. With this savings, businesses will have more resources to use on other necessary expenses and will be able to grow and expand and contribute greatly to the American economy.

This proposal for fast, free wireless broadband internet access, along with the optional services, will allow small businesses to access the necessary resources to expand and compete. I urge you to pass this proposal and make fast, free, wireless broadband internet access more widely available.

Sincerely,



Tina Widener  
President

CC: FCC Chairman Kevin Martin  
Commissioner Copps  
Commissioner Adelstein  
Commissioner Tate  
Commissioner McDowell  
Fred Campbell, Wireless Bureau Chief  
U.S. Senator Benjamin L. Cardin  
U.S. Senator Barbara A. Mikulski  
Congressman Roscoe Bartlett



Exhibit 8

Comments of James R. Jones, President of Jones Shipley Xpress



**Jones Shipley Xpress**

16125 Business Parkway • Hagerstown, MD 21740  
301-733-9100 • Fax 301-733-9101

April 11, 2007

Secretary Marlene Dortch

Federal Communications Commission

Office of the Secretary

445 12<sup>th</sup> St. SW

Washington, DC 20554

Re: Docket #07-16

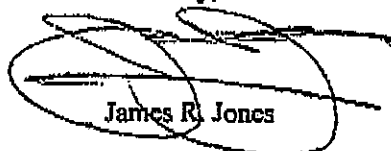
Dear Secretary Dortch,

Today, just 35 percent of all small and independent businesses have a website. I'm writing today to ask for your approval of a proposal by M2Z Networks that will work to change that fact. Adding more businesses to the online community will greatly impact those individual businesses and the communities they support. When consumers are searching for a new product or service, the web has turned into the source which provides the most information in the most efficient way.

With free broadband access, businesses can use the internet, participate in and benefit from e-commerce, and expand their consumer base while saving money. With free broadband and optional services proposed by M2Z Networks, getting a business online will be cost-efficient. Once online, small businesses will see increased marketing and consumer exposure which will expand the sales of that business and increased sales will positively affect the business, its employees, its community and the American economy.

As the President of my small business, I know that this opportunity is needed and would be well-received. Approving this proposal would open new avenues of marketing and sales for small businesses everywhere, and I ask for your support. Thank you for your time.

Sincerely,



James R. Jones

President



***Jones • Shipley Xpress***

16125 Business Parkway • Hagerstown, MD 21740  
301-733-9100 • Fax 301-733-9101

CC: FCC Chairman Kevin Martin  
Commissioner Copps  
Commissioner Adelstein  
Commissioner Tate  
Commissioner McDowell  
Fred Campbell, Wireless Bureau Chief  
U.S. Senator Benjamin L. Cardin  
U.S. Senator Barbara A. Mikulski  
Congressman Roscoe Bartlett

Exhibit 9

Comments of Representative Anna G. Eshoo of California



*Congress of the United States  
House of Representatives  
Washington, D.C. 20515*

*Anna G. Eshoo  
Fourteenth District  
California*

February 7, 2007

The Honorable Kevin J. Martin, Chairman  
Federal Communications Commission  
445 12th Street SW  
Washington, D.C. 20554

Dear Chairman Martin,

One of the most important issues facing our country is the need for *all* Americans to have access to high-speed, affordable Internet broadband service. The United States has fallen behind most of the leading economic powers in providing universal broadband service to our citizens and according to the Organization for Economic Cooperation and Development, the U.S. is now only 12<sup>th</sup> in the world in broadband penetration. Particularly troubling is additional evidence that the growth in broadband access in the U.S. is largely among wealthier Americans, and the broadband divide grows wider each day, leaving many poor Americans unconnected or relying on costly, ineffective dial-up service.

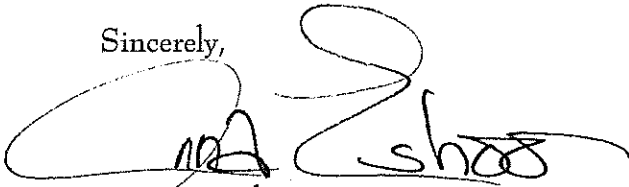
I'm committed to enacting policies that promote affordable, universal broadband access for all Americans. I worked closely with Speaker Nancy Pelosi to develop the House Democrats' Innovation Agenda which promises universal broadband in the United States within five years, and I believe this should be *the* top priority for the Commission.

In light of this, I'm troubled by the Commission's failure to give expeditious consideration to an interesting proposal by M2Z Networks, a company headquartered in my Congressional District, to provide free, family-friendly wireless broadband service to at least 95% of Americans within ten years. On May 5, 2006, M2Z submitted a license application to the Commission for the unpaired and fallow spectrum between 2155 and 2175 MHz. Because this spectrum is unpaired it is not desirable to existing service providers. It is currently not being utilized for any purpose and there are not any apparent interference issues. M2Z also plans to offer a premium subscription service in this space, and as part of its proposal would pay 5% of its gross revenues to the U.S. Treasury.

On September 1, 2006, M2Z submitted a Forbearance Petition to the Commission asking the Commission to forbear using its authority under Section 10 of the *Communications Act*. While the Commission is required to respond to this petition within 12-15 months, I strongly urge your prompt attention to this petition and encourage you to submit it for public comment as soon as possible. If there is opposition to the M2Z petition it should be considered on its merits. If there is not any meaningful opposition, the Commission should move to allow M2Z to deploy its proposed service as soon as possible in order to promote the important national goal of universal broadband access.

I look forward to a robust public debate and a prompt decision in the public interest on M2Z's proposal, and I look forward to your timely response.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anna G. Eshoo', with a large, stylized flourish extending from the end of the signature.

Anna G. Eshoo  
Member of Congress

cc: The Honorable Michael J. Copps  
The Honorable Jonathan S. Adelstein  
The Honorable Deborah Taylor Tate  
The Honorable Robert M. McDowell